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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,782	09/29/2000	In Chol Jung	P-132	2260
34610	7590	06/01/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			ELALLAM, AHMED	
		ART UNIT	PAPER NUMBER	
		2662		

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/672,782	JUNG ET AL.	
	Examiner	Art Unit	
	AHMED ELALLAM	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11, 13-25 and 37-40 is/are allowed.
- 6) Claim(s) 1, 3, 7-10, 26-31, 33 and 35 is/are rejected.
- 7) Claim(s) 2, 4-6, 32, 34 and 36 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This is responsive to communication filed on 11/16/2004

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 26-31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, specification, pages 2-5 in view of Takase, US (5,283,782).

Regarding claims 1 and 3, the prior art discloses a control apparatus for relay node duplexing, in which a duplexing control unit (figure 3, unit 234) that applies enable signals for data transmission from the active node buffer, see specification page 5, lines 3-24. The prior art also discloses that when the active node becomes inoperable (claimed failure condition), a duplex exchange for translating the standby node into an active node, (spec, page 5, lines 11-13), in addition, an active right signal is transferred to the standby node when a duplex exchange operation is complete, (spec page 5, lines 14-18).

The prior art does not disclose that the duplexing control unit maintains a message transmission function and disables a message receiving function of the active node and activates/or initiate a message receiving function of a standby node during a duplex exchange operation.

However, with reference to figure 1, Takase discloses a cell transfer circuit 3a (primary system) and a cell transfer circuit (standby system) for data duplex exchange in which cell stored in the buffer of standby system are subject to transmission while inhibiting receiving cells, see column 3, lines 1-6, and column 4, lines 51-57. (Examiner interpreted the inhibition of receiving as the claimed "disable a message receiving function" and the transmission of the cell stored in the buffer as the claimed "maintains a message transmission function"). Takase further discloses that the standby system (system 1) only receives cells into its buffer, see column 5, lines 39-41. (Examiner interpreted the receiving of cells by the standby system as the claimed "initiate a message receiving function of the standby node, because for the standby node to receive cells, its receiving operation need to be initiated first).

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the duplexing control unit of the prior art for providing the duplex switching taught by Takase so to prevent the loss of data during the exchange. See column 6, lines 24-37. A person would be motivated to do so by recognizing the advantage of having loss-less data transmission taught by Takase. The advantage would be providing a reliable data exchange (relay) for use in sensitive data transmission.

Regarding claim 26, the prior art discloses a control method for relay node duplexing, in which a duplexing control unit (figure 3, unit 234) applies enable signals for data transmission from the active node buffer, see specification page 5, lines 3-24. The prior art also discloses that when the active node becomes inoperable due to power fail signal, a duplex exchange for translating the standby node into an active node, (spec, page 5, lines 11-13). (Examiner interpreted the power fail signal of prior art as the claimed initiating a duplex exchange operation between active and standby nodes);

Transmitting an active right signal to the standby node, (spec page 5, lines 14-18). (Claimed sending an active right signal to the standby node);

The prior art does not disclose disabling a message receiving function and maintaining a message transmission function of the active node, and emptying at least one message buffer of the active node, wherein the active right signal is sent to the standby node after the buffer is empty.

However, with reference to figure 1, Takase discloses a method in which cell stored in a buffer are subject to transmission while inhibiting receiving cells, see column 3, lines 1-6, and column 4, lines 51-57. (Examiner interpreted the inhibition of receiving as the claimed "disabling a message receiving function" and the transmission of the cell stored in the buffer as the claimed "maintaining a message transmission function").

Therefore, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to enable the duplexing control unit of the prior art to implement the buffer-emptying method taught by Takase so to prevent the loss of data during the data relay duplexing in case the active node of prior art fails. A person would

be motivated to do so by recognizing the advantage of having loss-less data transmission taught by Takase in emptying the buffer. The advantage would be providing a reliable data exchange (relay) for use in sensitive data transmission. A person of skill in the art would be further motivated to send the active right signal of prior art after emptying the buffer so that the standby node is activated after receiving all the data in the failed node. A person would do so in recognizing a loss-less data exchange in case of a node failure.

Regarding claims 27 and 28, the prior art discloses that the duplex exchange operation is initiated due to a power failure of the active node, see specification, lines 17-21.

Regarding claims 29 and 30, prior-art/Takase does not disclose transmitting all the messages in the buffer to a second buffer at the standby node. However, it would have been obvious to an ordinary person of skill in the art to provide the standby node with a buffer to receive messages from the failed active node. A person of skill in the art would be forced to think of having a buffer in the standby node as a result of implementing the buffering apparatus of Takase in the active node, the reasons lie in the symmetrical nature of active/standby nodes. This symmetry is the motive of having a skilled person implementing hardware/or software in an identical manner in both active and standby nodes, since each node must provide the same functions in case the other fails. The advantage would be a loss-less data transition from active node to standby node upon a failure in the active node of the prior art.

Regarding claim 31, the prior art discloses translating the standby node into an active node, (spec, page 5, lines 11-13), (claimed activating a message receiving function of the standby node). The prior art does not disclose transmitting one message stored in the buffer to the standby node.

However, it would have been obvious to an ordinary person of skill in the art to transmit the message stored in the buffer implemented by Takase to the standby node since the active node can no longer relay the stored message to its destination. A person of skill in the art would do so to provide a loss-less data transmission upon a node failure by activating the standby node while preserving the data integrity using the buffering method of Takase between the transitional phases of handing over traffic to the standby node. The advantage would be a loss-less data of the prior art exchange duplexing apparatus.

Regarding claim 33 , Prior art discloses passing an active right to the standby node upon a power failure. See specification page 5, lines 14-18. (claimed the active node transmits one or more prepare signals to the standby node indicating the start of the duplex exchange operation).

Regarding claim 35, in addition to the limitation indicated above with reference to claim 33, the prior art shows the control unit that passes the active right, is situated at an active node, see figure 3 of prior art. (claimed the control unit is included with the active node and outputs one or more prepare signals).

2. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Takase as applied to claim 1 above, and further in view of Allison, III et al, US (4,912,552).

Regarding claim 7, the prior art in view of Takase discloses substantially all the limitation of claim 1, also the prior art discloses a power signal initiating the duplex exchange, see specification, lines 17-21.

Prior art in view of Takase does not disclose the active node is supplied with a stable voltage for a predetermined time by a power supply even after the occurrence of power down.

However, Allison discloses enabling a battery backup when a power fails. See column 16, lines 3-9. (Examiner interpreted the enablement of the backup battery in the power failure as the claimed supplied a stable voltage for a predetermined time by a power supply even after the occurrence of power down).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made to provide the system of prior art in view of Takase with the backup power supply of Allison so that in case of power failure an automatic power can be administered resulting in a temporary functioning of the duplex exchange of prior-art/Tease's system. The advantage would be the prevention of data loss due to the main power supply failure of prior-art/Takase's system.

Regarding claims 8 and 9, Prior-art in view Takase and further in view of Allison do not disclose having a backup power supply for a predetermined time, wherein the predetermined time is longer than a time period between the power down and the

generation of a duplex exchange complete signal". Examiner interpreted the claimed limitation as being equivalent to "maintaining the backup power supply for the buffer to be emptied".

It would have been obvious to an ordinary person of skill in the art, at the time the invention was made to give the backup power enough time so that data in the buffer of the faulted node can be transmitted in its entirety. A person of skill in the art would be motivated to do so for having loss-less data delivery upon the active node failure.

Regarding claim 10, the Admitted prior art discloses that the message comprises a HDLC frame. See specification, page 1, lines 10-15.

Allowable Subject Matter

3. Claims 2, 4-6, 32, 34 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 13-25 , 37-40 are allowed.

Response to Arguments

4. Applicant's arguments filed on 11/16/2004 have been fully considered but they are not persuasive:

The amendment to claims overcame the rejections under 35 USC § 112.

The amendment to claims 11, 13-22, 23-25 has overcome the art rejections.

Rejections under 35 USC § 103:

Applicants argue that the teaching of the prior art and Takase et al (US 5,283,782) do teach or suggest the limitations of claims 1, 3, 18-22 and 26-31.

Claims 1, 18 and 26:

With regard to claim 1, Applicants stated that Takase patent does not teach or suggest a control unit which "disable a message receiving function of an active node" during a duplex exchange operation as in claim 1, the given reasons by Applicants is that the *primary system (system0) and standby system (system1) of Takase are both set to active status, which means that both system perform message transmission and message receiving functions, .. and during operation, system 0 is maintained in active status and system 1 is placed in standby status based on the output from the control-setting unit.*

Examiner respectfully disagrees. The prior art teaches the claimed control unit, the active and standby nodes and an exchange operation, Takase doesn't necessarily need to teach the same structures of prior art. What is important is that Takase discloses a data duplex exchange feature in which cell stored in a buffer are subject to transmission while inhibiting receiving cells, see column 3, lines 1-6, and column 4, lines 51-57. This limitation is what is needed to complement the prior art teaching, and the argument that the standby and active system are not identical to Applicants's structure is irrelevant since the structure is already taught by the prior art.

Applicant arguments with regard to claims 18 and 26 are similar to the argument with reference to claim 1; therefore Examiner disagrees in similar manner as indicated above.

Applicants argue that claims 7-10, depends from claims 1 and that Allison reference does not teach a “duplexing controlling unit which maintains a message transmission function and disable a message receiving function of an active node and initiates a message receiving function of a standby node during a duplex exchange operation”. Examiner respectfully disagree, because Allison was applied for an obvious type rejection, and more specifically to complement the power limitation that was missing from the teaching of Takase in view of Prior art, Allison wasn’t applied as a primary reference in the rejection of claims 7-10, therefore its not required that Allison teaches the limitation contended by Applicant, since those limitations are already indicated as being taught in Prior art.

Examiner believes, given the broadest reasonable interpretation of the claim limitations, the rejection above is proper.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Dempsey et al, US (6,169,726); Tada, US (6,487,169), and Gorshe, US (6,690,644).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM
Examiner
Art Unit 2662
05/13/2005



JOHN PEZZLO
PRIMARY EXAMINER